

Serial No. 10/648,805

Attorney Docket No. 14-018-RCE2

REMARKS

A Supplemental Information Disclosure Statement was submitted on 6 September 2007.

A copy of the form PTO-1449 that was submitted on 6 September 2007 was returned with the office action of 14 November 2007; however, the examiner did not initial the last item, which is a Japanese office action dated 12 June 2007. No reason was given in the office action for failing to consider this item. Therefore, it appears that the failure to initial this item was an oversight. The applicants respectfully request another copy of the form PTO-1449 of 6 September 2007 on which the Japanese office action is initialed. Otherwise, the applicants request a reason why this item is not being considered.

Claims 1-35 are pending. The applicants respectfully request reconsideration and allowance of this application in view of the above amendments and the following remarks.

In numbered section 1, claim 1 was objected to, and the examiner suggested a change to the wording of claim 1. This suggestion has been adopted.

Claims 1-35 were rejected under 35 USC 112, first paragraph, for failing to comply with the written description requirement. The term "low speed" was said to be new matter. This term has been removed from claims 1, 2, and 33-35. Therefore, this rejection should be withdrawn.

Claims 1-35 were rejected under 35 USC 112, second paragraph, as being indefinite. The claims were said to be indefinite because of the term "low speed." As mentioned above, this term has been removed from the claims. Therefore, this rejection should be withdrawn.

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Claims 1-35 were rejected under 35 USC 102(b) as being anticipated by Kajiwara (US 5234071). The applicants respectfully request that this rejection be withdrawn for the following reasons.

In the body of the rejection, it was asserted that there are many statements of intended use throughout the claims, which have been disregarded. Further, the office action states that this problem can be overcome by using "configured to" wording. Where appropriate, this suggestion has been adopted.

Claims 1 and 2 have been amended to recite that the target speed is continuously calculated in accordance with the driving operation. This is supported at least by Fig. 6, step 304, Fig. 7, Fig. 8A and Fig. 8B.

In the Kajiwara reference, the speed of the vehicle when the driver stops depressing the accelerator pedal or the brake pedal is stored. Then, the stored speed is set as a target speed until the next time the driver depresses the accelerator pedal or the brake pedal. Therefore, in the Kajiwara device, the target speed is not calculated continuously in accordance with the driving operation. Claims 1-35 cannot be anticipated by the Kajiwara reference, and this rejection should be withdrawn.

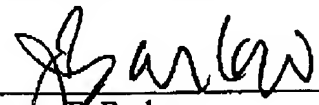
In view of the foregoing, the applicants submit that this application is in condition for allowance. A timely notice to that effect is respectfully requested. If questions relating to patentability remain, the examiner is invited to contact the undersigned by telephone.

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If there are any problems with the payment of fees, please charge any underpayments and credit any overpayments to Deposit Account No. 50-1147.

Respectfully submitted,


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